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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,278	11/25/2003	Barton Wade Daniel	40661-023	6400

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EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,278

Applicant(s)

DANIEL ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/6/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “two partitions” (claims 9 and 21) and “a releasable pressure applicator” (claims 5 and 13) must be shown or the features canceled from the claims. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

In the Specification, page 12, lines 15 and 21, reference number "63" should be changed to -- 64 ---.

Appropriate correction is required.

Claim Objections

Claim 4 is objected to because of the following informalities:

In line 1, before the word "aperture", the word --- receiving--- should be added, in order to differentiate it from the "exit aperture".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Trumbo (US 3,477,363). Trumbo discloses a bailing wire guide track section comprising: a guide track section (fig. 4) having a receiving end (the right section of fig. 4) oriented to receive a bailing wire (20) and an exit end (the left side of fig. 4); a longitudinal channel (15) running substantially the length of the wire guide track section for guiding the wire (figs. 4 and 12), the

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channel having a receiving aperture (the right section of fig. 4) wider than an exit aperture (the left side of fig. 4); a static partition (36) positioned within the receiving aperture (fig. 4). Trumbo teaches this structural arrangement of the channel with the partition located within the receiving aperture in order to help orient the looped end of the wire (col.2, lines 60-65), thus the structural arrangement of the channel as claimed inherently prevent the bailing wire from folding, curling and jamming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stamps (US 6,637,324) in view of Trumbo (US 3,477,363).

Regarding claim 2, Stamps teaches a bailing wire guide track section comprising: a guide track section having a receiving end (56)/aperture ((520) and an exit end (58)/ aperture ((532), the receiving aperture being wider than the exit aperture (fig. 8), a releasable restraint (col. 8, lines 13-14) holds the wire in a channel (fig. 5). Stamps does not teach a partition positioned within the receiving aperture. However, the patent to Trumbo, teaches that it is old and well known the wire bailing art to provide a bailer with a partition (36) positioned within a receiving end (the right section of fig. 4) of a channel (15) of a guide track section (fig. 4), wherein the receiving end has an aperture wider than an exit aperture of an exit end (the left side of fig. 4) of

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the guide track section (fig. 4). Trumbo teaches this structural arrangement of the channel with the partition located within the receiving aperture in order to help orient the looped end of a wire (col.2, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Stamps's receiving aperture with a partition as taught by Trumbo, in order to help orient the looped end of the wire.

Regarding claim 5, Stamps discloses a bailing guide track section (52) comprising: a first guide track section half and a second guide track section half (see a claimed first fixed section in the first paragraph of claim 1); a releasable pressure applicator (see the fifth paragraph claim 1); a convexity (see the sixth paragraph of claim 1); and a widening of the convexity (see the seventh paragraph of claim 1). Stamps does not teach a partition positioned within the wide aperture. However, the patent to Trumbo, teaches that it is old and well known the wire bailing art to provide a bailer with a partition (36) positioned within a wide aperture (the right section of fig. 4) of a channel (15) of a guide track section (fig. 4), the partition is being connected to the inside face of the guide track section. Trumbo teaches this structural arrangement of the channel with the partition positioned within the wide aperture in order to help orient the looped end of a wire (col.2, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Stamps's wide aperture with a partition as taught by Trumbo, in order to help orient the looped end of the wire.

Regarding claim 6, Stamps discloses the prevention as claimed (see claim 6).

Regarding claims 7 and 8, Stamps discloses curved structure arrangement of the first and the second guide track section halves as claimed (see fig. 1).

Regarding claim 9, Stamps, as modified Trumbo, discloses the baling wire guide track section having the partition position within the wide aperture. As to a plurality of partitions in the baling wire guide track section, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one partitions, since such duplication of the essential working parts of a device involves only routine skilled in the art.

Regarding claim 10, Stamps, as modified Trumbo, discloses the baling wire guide track section having the partition positioned within the wide aperture in order to help orient the looped end of the wire, thus it is inherently prevent the bailing wire from folding, curling and jamming.

Regarding claim 11, Stamps discloses the releasable pressure applicator is selected from the group as claimed (col. 8, lines 14-17).

Regarding claim 12, Stamps discloses the radius of about six to seven inches (see claim 8).

Regarding claim 13, Stamps discloses the invention substantially as claimed (see claim 1) except for a partition positioned within the wide aperture. However, the patent to Trumbo, teaches that it is old and well known the wire bailing art to provide a bailer with a partition (36) positioned within a wide aperture (the right section of fig. 4) of a channel (15) of a guide track section (fig. 4), the partition is being connected to the inside face of the guide track section. Trumbo teaches this structural arrangement of the channel with the partition positioned within the wide aperture in order to help orient the looped end of a wire (col.2, lines 60-65). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Stamps's wide aperture with a partition as taught by Trumbo, in order to help orient the looped end of the wire.

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Regarding claims 14-17, 19-20, and 22, Stamps discloses the invention substantially as claimed (see claims 2-7 and 9).

Regarding claim 18, Stamps discloses the releasable pressure applicator is selected from the group as claimed (col. 8, lines 14-17).

Regarding claim 21, Stamps, as modified Trumbo, discloses the baling wire guide track section having the partition position within the wide aperture. As to a plurality of partitions in the baling wire guide track section, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have more than one partitions, since such duplication of the essential working parts of a device involves only routine skilled in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art listed on the attached PTO 892 are cited to a bailer having a wire/band guide track with a wide receiving end.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (571) 272-4520.

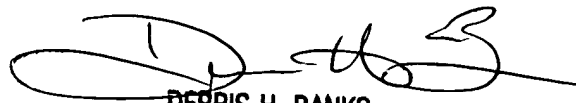
The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
March 22, 2005



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SUPERVISORY PATENT EXAMINER
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